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FILED

08 JUL 15 PM 4:18

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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JUL 15 2008

9 **United States District Court**
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 LANTZ ARNELL, MD
13 Plaintiff

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16 vs.

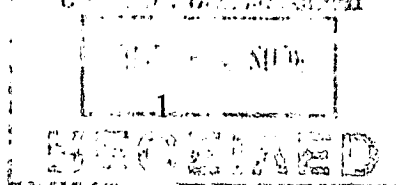
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19 Jack Lieb Esq. & Assoc.
20 Judge W. McAdam and
21 others.

22 Respondents
23
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Case # '08 - CV- 00441

CORRECTION TO
NOTICE of Plaintiff's request for
Court Order for Bank's
Surveillance records and request
Enlargement of time to serve Jack
Lieb.

25 NOTICE is hereby given to Cheryl Brierton, Attorney for Judge William McAdam,
26 that plaintiff will ask Court for a Court Order to obtain Bank Surveillance
27 information and enlargement of time to serve defendant Jack Lieb, Esq.
28



CR

BACKGROUND

Pursuant to FRCP RULE #4, Plaintiff has been attempting to serve Jack Lieb on his person but has been unable to locate him. A man stating he was Jack Lieb called plaintiff's office stating that he had read the complaint on the internet and would accept service. He came to the Washington Mutual Bank located at 1000 Orange Avenue, Coronado CA 92118 between 1:05 pm and 2:00 pm Wednesday, March 19, 2008. He was not Jack Lieb. His image was recorded on Bank surveillance cameras. Weeks of discussions involving local and corporate bank officers, reveal that the bank will not release images of this man without a court order. Plaintiff notified the local FBI.

NECESSITY

1. Someone has assumed Jack Lieb's identity, using his phone number and a fake ID, and is attempting to conduct business posing as Mr. Lieb.

2. It would be improper for the FBI to intercede for the plaintiff when Mr. Lieb is a named defendant in this civil action and he may be simply avoiding service. However, the FBI can investigate anyone posing as Jack Lieb. The bank video is necessary to prompt that investigation.

3. There is an ongoing scheme to defraud this court regarding proper service of summons and complaint upon a defendant in a racketeering case. This is a form of extrinsic fraud defined in the state of California as "...that which prevents a litigant from making a claim..." [Smith v. Great Lakes Airlines, Inc., 242 Cal App. 2d. 23, 51 Cal. Rptr. 1 (2nd Dist. 1996)]. The Supreme Court of the United States has held that extrinsic fraud is "...far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot be complacently tolerated...Surely it cannot be that preservation of the judicial process must always wait upon the diligence of litigants.

1 The public welfare demands that the agencies of public justice be not so impotent
2 that they must always be mute and helpless victims of deception and fraud.” [Hazel
3 Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 245-46, 64 S. Ct. 997,
4 1001, 88 L Ed. 1250, 1255-56 (1944)].

5
6 POINTS AND AUTHORITIES

7 1. “The spirit of these rules is to give the litigant a chance to bring his case to
8 trial.” [Fierstein v. Piper Aircraft Corp. D.C. Pa. 1948, 79 F. Supp. 217]

9
10 2. “Plaintiff’s showed good cause why service had not been effected within 120
11 days after filing of complaint...” [Arroyo v. Wheat, D.C. Nev. 1984, 102
12 F.R.D. 516.]

13
14 CONCLUSION

15 Plaintiff respectfully requests the following:

16 1. A court order to view the original Bank surveillance evidence from 1:05
17 pm to 2:00 pm Wednesday, March 19, 2008, and copy that evidence at plaintiff’s
18 expense.

19 2. An enlargement of the time to serve Mr. Lieb and others by 120 days in
20 order to review the Bank’s surveillance video and serve Jack Lieb Pursuant to
21 FRCP Rule 6 (b): “When by these rules...an act is required...to be done at or within
22 a specified time, the Court for cause shown may... without motion or notice, order
23 the period enlarged...”

24
25 Respectfully submitted 7/7/08

By Lantz Arnell, MD

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PROOF OF SERVICE—CIVIL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lantz Arnell 1516 Gloriette Blvd, Coronado, CA 92118 619-435 4064 TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		POS-04 FOR COURT USE ONLY CASE NUMBER: 08-CV-00441 JUDGE: Burns DEPT.: Room 9
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: Cheryl Brierton, Esq MAILING ADDRESS: 220 W. Broadway CITY AND ZIP CODE: San Diego, Ca 92101 BRANCH NAME: Central Court House		
PETITIONER/PLAINTIFF: Lantz Arnell RESPONDENT/DEFENDANT: Judge William McAdam		
PROOF OF SERVICE—CIVIL Check method of service (only one): <input checked="" type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Facsimile <input type="checkbox"/> By E-Mail/Electronic Transmission		

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. At the time of service I was over 18 years of age and not a party to this action.
2. My address is (specify one):
 a. ☐ Business: _____
 b. ☒ Residence: **416 B Avenue**
Coronado, Ca 92118

3. On (date): **7-7-08** I served the following documents (specify):
NOTICE OF REQUEST FOR COURT ORDER AND ENLARGEMENT OF TIME FOR SERVICE.

☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).

4. I served the documents on the persons below, as follows:

a. Name of person served: **CHERYL BRIERTON, ESQ.**
P. O. Box 120128
 b. Address of person served: **220 W. Broadway**
San Diego, CA 92112 **CENTRAL COURT HOUSE**

c. Fax number or e-mail address of person served, if service was by fax or e-mail:

d. Time of service, if personal service was used:

☐ The names, addresses, and other applicable information about the persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).

5. The documents were served by the following means (specify):

a. ☒ By personal service. I personally delivered the documents to the persons at the addresses listed in item 4.
 (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

Form Approved for Optional Use
 Judicial Council of California
 POS-040 (New January 1, 2005)

7-7-08

PROOF OF SERVICE—CIVIL
(Proof of Service)

Code of Civ. Proc., §§ 1011,
 1012, 1013a; 2016 a
 www.courtinfo.ca.gov

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 www.USCourtForms.com

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